

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILTECH TECHNOLOGY, INC., et al.,

Plaintiffs,

v.

No. CV 20-975 JAP/CG

OSWALD WILSON, et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on review of the record. Plaintiffs filed their complaint on September 23, 2020, against Defendants Oswald Wilson, Wiltech Energy LLC, and the Village of Los Lunas, New Mexico. (Doc. 1). Federal Rule of Civil Procedure 4 requires a plaintiff to serve the summons on the defendant “on or after filing the complaint.” The Rule further provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” FED. R. CIV. P. 4(m).

Here, Plaintiffs filed their complaint on September 23, 2020, (Doc. 1), and thus they were required to serve the summons and complaint on Defendants by December 22, 2020. The record reflects a summons was issued to all three Defendants on October 5, 2020. Defendant Village of Los Lunas, New Mexico filed an answer to the complaint on November 3, 2020. (Doc. 6). However, Defendants Oswald Wilson and Wiltech Energy, LLC have not returned executed summonses or otherwise responded to Plaintiffs’ complaint. Further, although the record reflects Plaintiffs have attempted to serve summonses on Defendants, those attempts appear to have either been deficient

or failed.

IT IS THEREFORE ORDERED that, on or before **March 10, 2021**, Plaintiffs shall either (1) file a notice with the Court stating why this case should not be dismissed as to Defendants Oswald Wilson and Wiltech Energy, LLC for failure to prosecute in accordance with FED. R. CIV. P. 4 and D.N.M.L.R.-Civ. 41.1; (2) serve Defendants Oswald Wilson and Wiltech Energy, LLC pursuant to FED. R. CIV. P. 4; or (3) file an appropriate motion in accordance with the Federal Rules.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE